

PRESIDENT MOUL: Thank you, Senator Morrissey. Senator Rod Johnson.

SENATOR R. JOHNSON: Madam President, I'd defer to Senator Kristensen or Senator Ashford to explain the legal side of this.

PRESIDENT MOUL: Senator Abboud.

SENATOR ABOUD: Okay, we'll wait. Go ahead.

SENATOR R. JOHNSON: I would defer my time to Senator Ashford or Senator Kristensen, either one.

SENATOR ASHFORD: Senator Kristensen, I think this was your bill originally, and maybe you can better...

SENATOR KRISTENSEN: Thank you, Senator Ashford, Senator Johnson. Madam President, members of the body, I rise to challenge the germaneness and I would support the ruling of the Chair for a couple reasons. One is that if you look in the Journal, this was printed to 827, originally, it's on page 1885. And if you'll look at this, it's amendment 1500. And really what happens here is the statute of repose talks about products that have to...that are manufactured or made. And there's got to be some point in time, at least traditionally, that an item is manufactured. Two years ago we used the chair that Senator Bill Barrett was sitting in, right over here where Senator Wehrbein is, and, as I was talking about that, I used that chair as an example and said, you know, those chairs were made a long time ago, and those chairs, at some point in time, are going to wear out and they're going to break. And as soon as I got done talking about this chair, he leaned back, the spring snapped and he pitched out of the chair. I don't know who to pick on today. But the legal concept here is that after such a period of time you shouldn't have any liability. In other words, the designs all change. The designs we used 10 years ago aren't the same that we would use today. And, at some point in time, these items you cannot be held responsible because of design and known defects. Well, if you can prove known defects, you're probably going to be able to bootstrap a few years up anyway to come after it. But legally the statute of repose is a bill that I introduced this year, but I did it for every item. I took away the statute of repose for not necessarily a low-level nuclear waste site, I did it for